

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

SHIELDS OF STRENGTH,	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. 6:21-cv-484-JCB
	)	
U.S. DEPARTMENT OF DEFENSE, et al.	)	
	)	
Defendants	)	

**UNOPPOSED MOTION BY ALL DEFENDANTS**  
**FOR AN EXTENSION OF TIME**

All Defendants, based on Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, respectfully request an extension of time to May 9, 2022, to respond to the complaint in this action. Defendants have conferred with Plaintiff's counsel, who does not oppose this request. As detailed below, good cause exists for this request.

1. On December 14, 2021, Plaintiff Shields of Strength filed this action against the U.S. Department of Defense; Lloyd J. Austin III, Secretary of Defense, in his official capacity; Army Trademark Licensing Program Office; U.S. Marine Corps Trademark Licensing Program Office; Navy Trademark Licensing Office, Office of Naval Research; Air & Space Forces Intellectual Property Management Office; and four other defendants in their official and individual capacities, identified as Paul Jensen, Director, Army Trademark Licensing Program Office; Jessica O'Haver, Director, U.S. Marine Corps Trademark Licensing Program Office; Nadine Santiago, Director, Trademark Licensing Office, Office of Naval Research; and April Rowden, Director, Air & Space Forces Intellectual Property Management Office. *See* ECF 1.

2. The agency and official-capacity defendants are separately represented from the individual-capacity defendants, and the defendants' response deadlines vary. *See* ECF 18 & 19.

3. The agency and official-capacity defendants' response to the complaint is currently due on April 11, 2022.

4. Ms. Santiago's response to the complaint is currently due on April 27, 2022.

5. Mr. Jensen's response to the complaint is currently due on May 3, 2022.

6. Attempts were made to serve Ms. O'Haver and Ms. Rowden in their individual capacities, *see* ECF Nos. 12 and 14, but neither was properly served in accordance with Federal Rules of Civil Procedure 4(e) and (i)(3), which require that federal officers or employees sued in their individual capacity be personally served in accordance with state law. For example, the certified mail receipts for Ms. O'Haver and Ms. Rowden are neither signed by them nor an agent who was authorized to accept personal service for them. *See Ayika v. Sutton*, 378 F. App'x 432, 434 (5th Cir. 2010) ("The return receipt must bear the addressee's signature.").

7. After discussing the outstanding service issues with counsel for Plaintiff, counsel for the individual-capacity defendants agreed to and accepted service for Ms. O'Haver and Ms. Rowden on March 10, 2022, making their responses to the complaint currently due on May 9, 2022.

8. The agency and official-capacity defendants, as well as Ms. Santiago, and Mr. Jensen, request that the deadlines for their responses to the complaint be extended to the same date, May 9, 2022. These defendants request this extension to permit additional time to prepare their responses due to the number and complexity of the issues raised by the complaint, and to align the due dates for the defendants' responses, which may reduce the total number of separate filings and promote efficiency. This is Defendants' first request for an extension. The Defendants have conferred with Plaintiff, which indicated that it does not oppose this request.

A proposed order is attached.

Dated: March 14, 2022

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U.S. Department of Justice, Civil Division

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/s/ Connor J. Hackert  
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*and April Rowden*

Respectfully submitted,

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*Capacity Defendants*

**Certificate of Conference**

In accordance with Local Rule CV-7(h) & (i), I certify that on March 10, 2022, counsel for the Defendants conferred with Plaintiff's counsel, Carl Bruce, who indicated that he does not oppose this request.

/s/ Connor J. Hackert

CONNOR J. HACKERT

Trial Attorney, U.S. Department of Justice